

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 8, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SUP-32148 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SUMMERLIN MASSAGE NV, LLC - OWNER: JMK/BOCA PAD, LLC - Request for a Special Use Permit FOR A PROPOSED 3,193 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW FOR THE ESTABLISHMENT TO REMAIN OPEN UNTIL 10:00 P.M. WHERE 9:00 P.M. IS THE LATEST ALLOWED AND TO ALLOW FOR A ZERO-FOOT DISTANCE SEPARATION FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS THE MINIMUM DISTANCE REQUIRED at 8950 West Charleston Boulevard, Suite #7 (APN 138-32-412-026), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson)

C.C.: 02/04/2009

IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

16

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest and Support Postcards
7. Submitted after Final Agenda – Protest Postcards
8. Submitted at Meeting – Protest Letter by Boca Park Place, LLC

Motion made by GLENN TROWBRIDGE to Hold in abeyance to 2/12/2009

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STEVEN EVANS, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR GOYNES declared the Public Hearing open.

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DOUG RANKIN, Planning and Development, stated staff's recommendation for denial is due to the waivers and an oversaturation of uses.

STEVE COOK, Regional Developer, Massage Envy, 19506 North 41st Lane, Glendale, AZ, 85308, appeared and indicated that the four existing massage establishments are a hair and nail salon with two spa rooms. He noted some of the other establishments, such as the Freddy's Car Wash, where they have a massage permit that is not currently being used. The only facility in the same center, Euphoria Salon, is for hair and nails but their prices are higher and less affordable.

Massage Envy would provide beneficial and wholesome therapeutic massages that provides for an affordable membership program. It is a minor ancillary business, and he does not believe there is an oversaturation.

JAMES GRINDSTAFF, 9440 West Sahara Avenue, appeared on behalf of the owners of Boca Park Shopping Center. He believed the requested use would be in violation of the original development agreement, which was agreed upon by the City as well. He read the agreement and pointed out that an application was not presented to the Boca Park Architectural Review Committee prior to submittal to the City. He asked that the application be withdrawn.

DEPUTY CITY ATTORNEY JAMES LEWIS believed the dispute was between two private parties and advised the Commission may act upon the application.

DONNA CATAFEMO, 2952 South Horizon Way, appeared on behalf of Jet, LLC, along with MARIO WEAVER, Euphoria's Sales Director, and expressed opposition, as there is limited parking and is concerned about the after hour services. She pointed out that their prices are reasonable and there are sufficient massage services within the area, including one across the street. MR. WEAVER clarified that the distance is only 500 feet away from their business location.

COMMISSIONER TROWBRIDGE believed the issue raised by MR. GRINDSTAFF should be resolved between the owners, and it was best to abey the item to allow for resolution.

CHAIR GOYNES declared the Public Hearing closed.